IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.18843 of 2008
UMESH SHARMA
Versus

STATE OF BIHAR
- - - -

5. 30.7.2008 Heard.

The petitioner is in custody in a case under Sections 364A and 302 of the Indian Penal Code and is named as one of the suspects to have taken away the son of the informant. The material collected by the police in the case diary is that the dead body was located somewhere in Rajgir (Nalanda) on 13.4.2003, i.e. one day after the incident and inquest was held and accordingly the informant was informed who along with others of his family identified the same as that of his son. Subsequently, accused Photan alias Aamarjit Kumar and Rahul Kumar, also named in the F.I.R., were arrested and they were questioned as per the police and they confessed to their guilt before the police and in that as well they had not implicated the present petitioner Umesh Sharma. The chargesheet was submitted keeping the investigation pending and subsequently without there being any

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material against the petitioner merely on the basis of being suspected the petitioner was arrested.

Under the above facts and circumstances, let the above named petitioner be directed to be released from custody on his furnishing a bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the Ist Additional Sessions Judge, Jehanagad, in Sessions Trial No. 119 of 2008/13 of 2008 arising out of Makhdumpur P.S.Case No. 69 of 2003.

Kanth

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(Dharnidhar Jha, J.)